

ORDINANCE NO. 924

ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010

WHEREAS, the Monterey Peninsula Airport District is a California Special District, duly organized pursuant to special legislation passed by the State of California; and

WHEREAS, the board members of the Monterey Peninsula Airport District are currently elected in at-large elections, in which each Board Member is elected by all registered voters of the entire District; and

WHEREAS, at-large election systems such as those presently employed by the District to elect Board Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code ("CVRA"); and

WHEREAS, "by-trustee area" electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA; and

WHEREAS, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

WHEREAS, consistent with Elections Code 10010, the Monterey Peninsula Airport District has held public hearings and published several tentative by-district maps for consideration by the Board of Directors and members of the public; and

WHEREAS, it is the considered view of the Board of Directors that revised draft map B3, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. (A) Beginning with the general municipal election in November 2020, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

(B) The Board Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Board of Directors must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section

10227. Termination of residency in a district by a Board Member shall create an immediate vacancy for that Board district unless a substitute residence within the district is established within 30 days after the termination of residency.

(C) Notwithstanding any other provision of this section, each of the Board Members in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Board Member offices elected at-large may be filled from the District at-large. At the end of the term of each Board Member, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Board Member office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

SECTION 3. The Board Members from Board Districts 1, 3 and 5 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter. The Board Members from Board Districts 2 and 4 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

SECTION 4. The Board of Directors finds that this proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The Board of Directors of the Monterey Peninsula Airport District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 7. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 8. This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Monterey Peninsula Airport District, or is amended such that its provisions no longer apply to the Monterey Peninsula Airport District. In the event this Ordinance is of no further force and effect pursuant to this section, the Board of Directors shall immediately consider an ordinance repealing this Ordinance. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Board Members elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Board Members expire and in

accordance with all other provisions of law, until such time as the voters of the Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

SECTION 9. The Executive Director is authorized to take any and all other necessary actions to give effect to this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 12th day of December 2018, by the following roll call vote:

AYES:	DIRECTORS:	Cursio, Leffel, Nelson, Sabo, Chair Miller
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Signed this 12th day of December 2018


Carl M. Miller, Chair









ATTEST



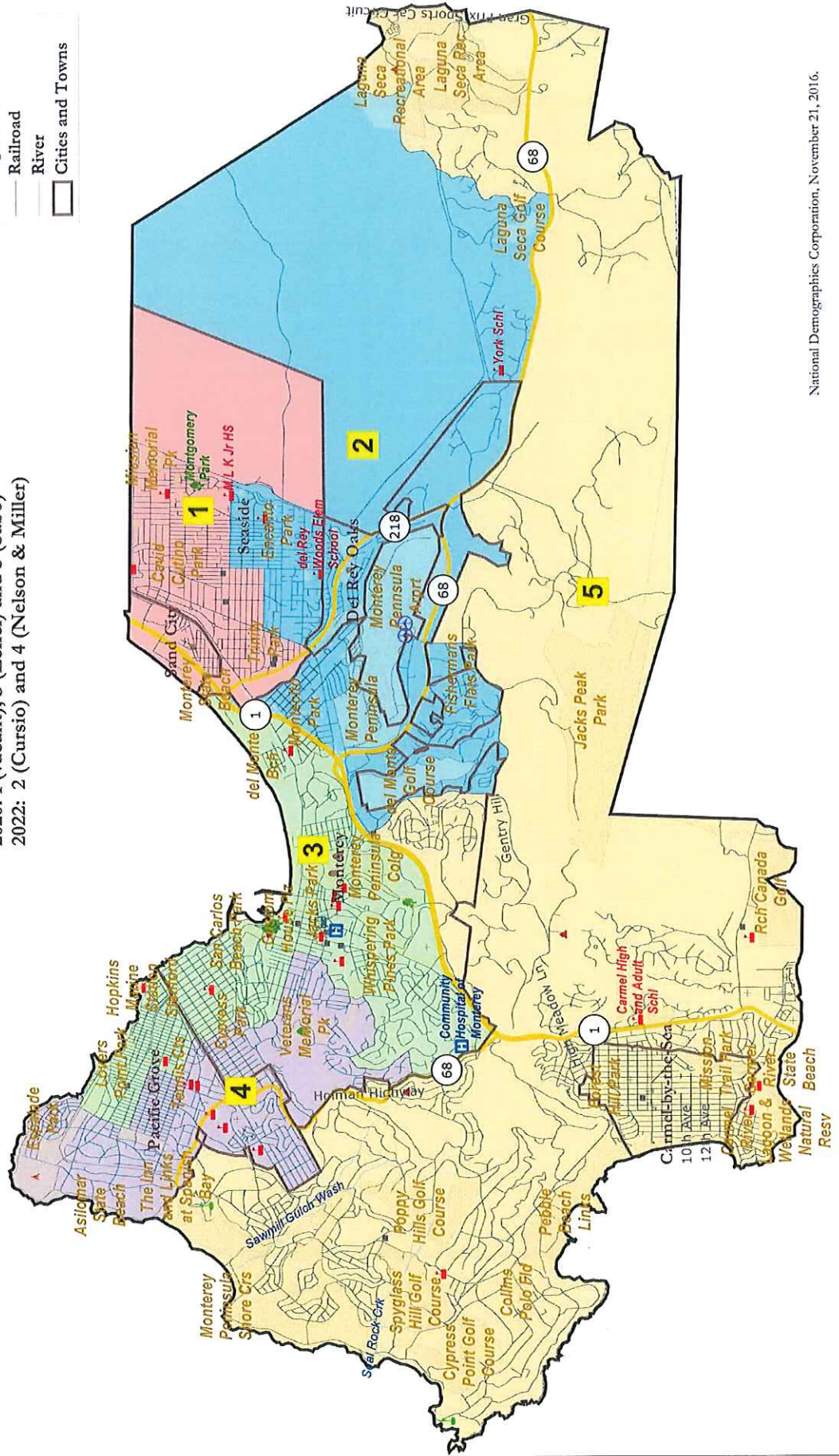
Michael La Pier, AAE
District Secretary

EXHIBIT "A"

Monterey Peninsula Airport District Draft Map B3

- Map Layers**
-  Draft B3 Split
 -  Streets
 -  Landmark Point
 -  Landmark Area
 -  Pipeline/Power Line
 -  Railroad
 -  River
 -  Cities and Towns

**Proposed Election Sequence
(and current Directors):**
 2020: 1 (vacant), 3 (Leffel) and 5 (Sabo)
 2022: 2 (Cursio) and 4 (Nelson & Miller)



Monterey Airport - Draft Map B3

District		1	2	3	4	5	Total
Ideal	Total Pop	17,140	17,136	17,477	17,270	16,809	85,832
17,166	Deviation from ideal	-26	-30	311	104	-357	668
	% Deviation	-0.15%	-0.17%	1.81%	0.61%	-2.08%	3.89%
Total Pop	% Hisp	56%	30%	10%	11%	5%	23%
	% NH White	21%	50%	76%	77%	84%	62%
	% NH Black	9%	6%	2%	2%	1%	4%
	% Asian-American	10%	10%	9%	8%	8%	9%
Citizen Voting Age Pop	Total	8,718	11,427	14,440	14,271	12,870	61,727
	% Hisp	27%	14%	11%	13%	7%	14%
	% NH White	37%	62%	79%	78%	85%	71%
	% NH Black	13%	8%	4%	3%	1%	5%
	% Asian/Pac.Isl.	19%	13%	5%	5%	6%	9%
Voter Registration (Nov 2016)	Total	6,865	9,824	11,514	10,272	11,182	49,657
	% Latino est.	32%	16%	9%	8%	4%	12%
	% Spanish-Surnamed	29%	15%	8%	7%	3%	11%
	% Asian-Surnamed	5%	4%	4%	3%	3%	4%
	% Filipino-Surnamed	3%	2%	1%	1%	1%	1%
	% NH White est.	43%	69%	82%	85%	82%	75%
Voter Turnout (Nov 2016)	Total	4,873	7,580	9,318	8,505	9,552	39,828
	% Latino est.	30%	14%	9%	8%	3%	11%
	% Spanish-Surnamed	27%	13%	8%	7%	3%	10%
	% Asian-Surnamed	4%	4%	3%	3%	3%	3%
	% Filipino-Surnamed	3%	2%	1%	1%	1%	1%
	% NH White est.	45%	72%	83%	85%	83%	77%
Voter Turnout (Nov 2014)	Total	2,575	4,519	5,587	5,505	6,412	24,597
	% Latino est.	21%	10%	7%	6%	3%	8%
	% Spanish-Surnamed	19%	9%	6%	6%	3%	7%
	% Asian-Surnamed	4%	4%	3%	3%	2%	3%
	% Filipino-Surnamed	3%	1%	1%	1%	0%	1%
	% NH White est.	50%	77%	87%	88%	93%	83%
ACS Pop. Est.	Total	17,172	17,311	18,370	17,799	17,290	87,942
	Age						
Age	age0-19	28%	21%	15%	19%	23%	21%
	age20-60	57%	54%	55%	53%	40%	52%
	age60plus	15%	25%	30%	28%	37%	27%
Immigration	immigrants	35%	25%	16%	12%	10%	20%
	naturalized	30%	37%	49%	58%	64%	42%
Language spoken at home	english	44%	65%	79%	82%	86%	71%
	spanish	45%	24%	8%	6%	6%	17%
	asian-lang	6%	7%	5%	4%	3%	5%
	other lang	4%	5%	8%	8%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	18%	6%	4%	3%	12%
Education (among those age 25+)	hs-grad	54%	51%	43%	45%	34%	45%
	bachelor	12%	19%	27%	28%	36%	25%
	graduatedegree	5%	15%	26%	23%	27%	20%
Child in Household	child-under18	34%	23%	17%	20%	26%	23%
Pct of Pop. Age 16+	employed	63%	60%	57%	50%	41%	54%
Household Income	income 0-25k	20%	17%	16%	13%	13%	15%
	income 25-50k	27%	22%	20%	17%	13%	19%
	income 50-75k	21%	20%	19%	16%	15%	18%
	income 75-200k	30%	34%	38%	44%	42%	38%
	income 200k-plus	2%	6%	8%	11%	18%	9%
Housing Stats	single family	77%	68%	54%	69%	92%	72%
	multi-family	23%	32%	46%	31%	8%	28%
	rented	51%	54%	64%	51%	32%	51%
	owned	49%	46%	36%	49%	68%	49%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							



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MONTEREY PENINSULA AIRPORT DISTRICT
Account No. 2141463
200 FRED KANE DR
STE 200
MONTEREY, CA 93940

Legal No. 0006263482
Ordinance No. 924

Ordered by: Patricia Windfield

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of Monterey

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Monterey Herald, a newspaper of general circulation, printed and published daily and Sunday in the City of Monterey, County of Monterey, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than 6 point), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/04/18

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on 12/04/2018 at Monterey, California.

Signature

ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010

WHEREAS, the Monterey Peninsula Airport District is a California Special District, duly organized pursuant to special legislation passed by the State of California; and

WHEREAS, the board members of the Monterey Peninsula Airport District are currently elected in at-large elections, in which each Board Member is elected by all registered voters of the entire District; and

WHEREAS, at-large election systems such as those presently employed by the District to elect Board Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code ("CVRA"); and

WHEREAS, "by-trustee area" electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA; and

WHEREAS, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

WHEREAS, consistent with Elections Code 10010, the Monterey Peninsula Airport District has held public hearings and published several tentative by-district maps for consideration by the Board of Directors and members of the public; and

WHEREAS, it is the considered view of the Board of Directors that revised draft map B3, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. (A) Beginning with the general municipal election in November 2020, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

(B) The Board Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Board of Directors must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Board Member shall create an immediate vacancy for that Board district unless a substitute residence within the district is established within 30 days after the termination of residency.

(C) Notwithstanding any other provision of this section, each of the Board Members in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Board Member offices elected at-large may be filled from the District at-large. At the end of the term of each Board Member, that member's successor shall be elected on a by-district basis in the districts established in subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Board Member office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

SECTION 3. The Board Members from Board Districts 1, 3 and 5 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter. The Board Members from Board Districts 2 and 4 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

SECTION 4. The Board of Directors finds that this proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The Board of Directors of the Monterey Peninsula Airport District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 7. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 8. This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Monterey Peninsula Airport District, or is amended such that its provisions no longer apply to the Monterey Peninsula Airport District. In the event this Ordinance is of no further force and effect pursuant to this section, the Board of Directors shall immediately consider an ordinance repealing this Ordinance. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Board Members elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Board Members expire and in accordance with all other provisions of law, until such time as the voters of the Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

SECTION 9. The Executive Director is authorized to take any and all other necessary actions to give effect to this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 26th day of November 2018, by the following roll call vote:

AYES:	DIRECTORS:	Cursio, Leffel, Nelson, Sabo, Chalm Miller
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Advertising Order Confirmation

ORDINANCE NO. 924

ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010

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WHEREAS, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

WHEREAS, consistent with Elections Code 10010, the Monterey Peninsula Airport District has held public hearings and published several tentative by-district maps for consideration by the Board of Directors and members of the public; and

WHEREAS, it is the considered view of the Board of Directors that revised draft map B3, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. (A) Beginning with the general municipal election in November 2020, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

(B) The Board Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Board of Directors must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34862 and Elections Code section 10227. Termination of residency in a district by a Board Member shall create an immediate vacancy for that Board district unless a substitute residence within the district is established within 30 days after the termination of residency.

(C) Notwithstanding any other provision of this section, each of the Board Members in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Board Member offices elected at-large may be filled from the District at-large. At the end of the term of each Board

Advertising Order Confirmation

members, and members a successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Board Member office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

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SECTION 4. The Board of Directors finds that this proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The Board of Directors of the Monterey Peninsula Airport District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 7. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 8. This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14026 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Monterey Peninsula Airport District, or is amended such that its provisions no longer apply to the Monterey Peninsula Airport District. In the event this Ordinance is of no further force and effect pursuant to this section, the Board of Directors shall immediately consider an ordinance repealing this Ordinance. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Board Members elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Board Members expire and in accordance with all other provisions of law, until such time as the voters of the Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

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PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 26th day of November 2018, by the following roll call vote:

AYES:	DIRECTORS:	Cursio, Leffel, Nelson, Sabo, Chair Miller
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Advertising Order Confirmation

The Monterey County Herald

11/30/18 9:31:52AM

Page 5

MONTEREYHERALD.COM ADVENTURES MONTEREY BAY HEALTH MATTERS WHO'S COUNTING? GO!

*MAP AVAILABLE UPON REQUEST
12/04/2018

<u>Product</u>	<u>Requested Placement</u>	<u>Requested Position</u>	<u>Run Dates</u>	<u># Inserts</u>
Monterey Herald	Legals CLS	General Legal - 1076~	12/04/18	1

Order Charges:

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1,082.22	0.00	1,082.22	0.00	\$1,082.22

Please note: If you pay by bank card, your card statement will show "CAL NEWSPAPER ADV" or "CALIFORNIA NEWSPAPER ADVERTISING SERVICES", depending on the type of card used.